

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHRISTIAN M. SMITHSON,
Plaintiff

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No. 1:15-cv-01794

(Judge Kane)

**THE YORK COUNTY COURT
OF COMMON PLEAS, et al.,**
Defendants

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On August 3, 2016, Magistrate Judge Saporito issued a Report and Recommendation, recommending that this Court deny Plaintiff's motion for preliminary injunction and dismiss the amended complaint. (Doc. No. 81.) In his Report and Recommendation, Magistrate Judge Saporito concludes that the amended complaint fundamentally asserts "a state-law claim for breach of contract ... based on an indisputably meritless legal theory" and recommends the dismissal of the amended complaint as frivolous and for failure to state a claim. (*Id.*)

On August 22, 2016, Plaintiff filed a memorandum stating that Plaintiff should be immediately released from his wrongful imprisonment and seeks an amount of \$250,000 per day. (Doc. No. 82 at 1, 7, 9-10.) Plaintiff's August 22, 2016 memorandum also discusses (1) the enforceability of the self-executing contracts; (2) the applicability of 42 U.S.C. § 1981; and (3) an attorney's allegedly inadequate representation on or around September 2015.¹ (*Id.* at 1-3, 7.)

This Court construes Plaintiff's August 22, 2016 memorandum as objections to Magistrate Judge Saporito's Report and Recommendation. (Doc. No. 82.) The Court finds that Magistrate Judge Saporito correctly and comprehensively addressed the substance of Plaintiff's

¹ As to Plaintiff's allegations of inadequate representation, "[i]ssues raised for the first time in objections to the magistrate judge's recommendation are deemed waived." *Marshall v. Chater*, 75 F.3d 1421, 1426 (10th Cir. 1996).

objections in the Report and Recommendation. (Doc. Nos. 81, 82.) Accordingly, the Court will not write separately to address Plaintiff's objections.

AND SO, upon independent review of the record and applicable law, on this 29th day of August 2016, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Saporito's Report and Recommendation (Doc. No. 81), is **ADOPTED**;
2. Plaintiff's motion for preliminary injunction (Doc. No. 23), is **DENIED**;
3. Plaintiff's amended complaint (Doc. No. 9), is **DISMISSED WITH PREJUDICE** as frivolous and for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), §1915(e)(2)(B)(ii), and §1915A(b)(1); and
4. The Clerk of Court is directed to close the above-captioned case.

Yvette

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s/ Yvette Kane

Kane, District Judge
United States District Court
District of Pennsylvania